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*Attorneys for Defendants John Shahidi, Nelk, Inc.,
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION

TRENTON SMITH, Individually and
on Behalf of All Others Similarly
Situating,

Plaintiff,

vs.

JOHN SHAHIDI, NELK, INC.,
METACARD, LLC, NELK USA, INC.,
and KYLE FORGEARD

Defendants.

Case No. 8:25-cv-161-FWS-DFM

CLASS ACTION

**DEFENDANTS' NOTICE OF
MOTION AND MOTION TO
DISMISS SECOND AMENDED
COMPLAINT FOR DAMAGES**

Courtroom: 10D
Judge: Hon. Fred W. Slaughter
Date: November 20, 2025
Time: 10:00 a.m. (PST)

TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on November 20, 2025, at 10:00 a.m. or as soon thereafter as the matter may be heard in the courtroom of the Honorable Fred W. Slaughter, United States District Judge, located at Ronald Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Courtroom 10D, Defendants John Shahidi, Nelk, Inc., Metacard, LLC, Nelk USA, Inc., and Kyle Forgeard (collectively, “Defendants”) will and hereby do move for an order dismissing with prejudice the claims made against them in the Second Amended Complaint for Damages (the “Second Amended Complaint” or “SAC”) asserting claims for Fraud (Count I), violations of the California Consumers Legal Remedies Act (“CLRA”) (Count II), and Civil Conspiracy (Count III). Defendants bring this motion pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. The grounds for this motion are set forth in the accompanying Memorandum of Points and Authorities in Support of Defendants’ Motion to Dismiss Second Amended Complaint for Damages.

This motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place on October 15, 2025.

1 Dated: October 21, 2025

Respectfully submitted,

2 COOLEY LLP

3 */s/ William K. Pao*

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